

AGENDA MEMO

CITY COUNCIL MEETING OF: DECEMBER 16, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-36250 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: BOYS CLUB OF CLARK COUNTY, INC.

**** CONDITIONS ****

The Planning Commission (5-0-1/bg vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to the conditions for Special Use Permit (U-0041-95).
2. This Required Review of an approved Special Use Permit (U-0041-95) shall be placed on the agenda closest to July 19, 2012 at which time the City Council may require the Off-Premise Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign be removed.
3. The Off-Premise Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign.
4. If the existing Off-Premise Sign is voluntarily demolished, Special Use Permit (U-0041-95) shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Required Review of a previously approved Special Use Permit (U-0041-95) which allowed a 55-foot tall, 14-foot by 48-foot Off-Premise Sign at 2801 Stewart Avenue, but relocated to 2800 Marlin Avenue due to the widening of US 95. The existing sign is non-conforming. The sign is located on a parcel, which is occupied by a playground and is zoned R-4 (High Density Residential). The sign is located on an R-4 (High Density Residential) zoned property and is immediately adjacent to residentially-zoned property where a 300-foot separation is required. There is no adverse impact regarding the continued use of the billboard, as there have been no significant changes in development or land use in the surrounding area; therefore staff is recommending approval of this request.

ISSUES

- A Building Permit was issued for the subject sign on 09/25/95. The permit was finalized on 10/11/95.
- The Off-Premise Billboard Sign and support structure are well maintained.
- The existing sign has been approved to be raised to a height of 80 feet via Site Development Plan Review (SDR-27196), which will expire on 05/21/10 if not exercised.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
04/24/63	The City Council approved a Rezoning (Z-0062-63) to R-4 (High Density Residential) at 2800 Marlin Avenue. The Planning Commission and staff recommended approval of the request.
12/01/86	A change of ownership was recorded at 2800 Marlin Avenue.
07/19/95	The City Council approved the Special Use Permit (U-0041-95), which allowed a 14-foot x 48-foot Off-Premise Sign on the subject site, subject to a Five-Year Review. The Planning Commission and staff recommended approval of the request.
09/06/00	The City Council approved a Required Five-Year Review [U-0041-95(1)] of a Special Use Permit (U-0041-95) for a 14-foot x 48-foot Off-Premise Sign on the subject site, subject to a Two-Year Review. The Planning Commission and staff recommended approval of the request.
11/06/02	The City Council approved a Required Two-Year Review [U-0041-95(2)] of a Special Use Permit (U-0041-95) for a 14-foot x 48-foot Off-Premise Sign on the subject site, subject to a Two-Year Review. The Planning Commission and staff recommended approval of the request.

11/17/04	The City Council approved a Required Two-Year Review (RQR-5170) of a Special Use Permit (U-0041-95) for a 14-foot x 48-foot Off-Premise Sign on the subject site, subject to a Two-Year Review. The Planning Commission and staff recommended approval of the request.
05/21/08	The City Council approved a Site Development Plan Review (SDR-27196) to raise an existing 63-foot tall Off-Premise Sign to a height of 80 feet on 0.17 acres at 2800 Marlin Avenue. The Planning Commission and staff recommended approval of the request.
11/19/09	The Planning Commission voted 5-0-1/bg to recommend APPROVAL (PC Agenda Item #5/bts).
<i>Related Building Permits/Business Licenses</i>	
09/25/95	A Building Permit (#95878388) was issued for an Off-Premise Sign at 2801 Stewart Avenue. The permit was finalized on 10/11/95.
<i>Pre-Application Meeting</i>	
A pre-application meeting was not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
10/15/09	Staff conducted a field check of the subject site with the following observations: <ul style="list-style-type: none"> The Off-Premise Sign and support structure are well maintained.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.17 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Off-Premise Sign and Playground	M (Medium Density Residential)	R-4 (High Density Residential)
North	Right-of-Way (US-95)	Right-Of-Way (US-95)	Right-Of-Way (US-95)
South	Boys and Girls Club	M (Medium Density Residential)	C-1 (Limited Commercial)
East	Apartment	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Apartment	M (Medium Density Residential)	R-3 (Medium Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Per Title 19.14.100, the following sign standards apply to the Off-Premise Sign (Billboards):

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign may be located within the public right-of-way. May not be located within the Off-Premise Sign Exclusionary Zone except in exempted areas	The existing sign is not located within the public right-of-way or the Off-Premise Sign Exclusionary Zone.	Y
Zoning	Off-Premise Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	R-4 (High Density Residential)	N
Area	No Off-Premise Signs shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	672 square feet with no embellishments shown or proposed	Y
Height	No more than 45 feet above the noise abatement improvement project from the tallest point of the improvement project to the top of the sign and no higher than 65 feet from grade at the point of construction	Approved for 80 feet (Existing 63 feet)	Y
Screening	All structural elements of an Off-Premise Advertising Sign to which the display panels are attached shall be screened from view.	The structural elements of the sign are exposed at the southern face.	N

Distance Separation Requirement	At least 750 feet from another Off Premise Sign	965 feet from closest Off-Premise Sign	Y
Distance Separation Requirement	At least 300 feet to the nearest property line of a lot in any "R" zoned district.	Zero feet (sign located on "R" zoned property)	N
Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Property zoned R-4 (High Density Residential) but is not used for residential purposes	Y

ANALYSIS

This sign was originally approved by Special Use Permit (U-0041-95) for an Off-Premise Sign located at 2800 Marlin Avenue. The sign was not non-conforming when originally installed, but became non-conforming as a result of changes in code requirements. The sign was originally installed at 2801 Stewart Avenue, but was re-located to 2800 Marlin Avenue due to the freeway widening. The existing sign is non-conforming as it is located on R-4 (High Density Residential) zoned property and is immediately adjacent to residentially-zoned property where a 300-foot separation is required. A Site Development Plan Review (SDR-27196) was approved on 05/21/08, which allowed the existing sign to be increased to a height of 80 feet, but has not been constructed due to financial constraints. This approval is valid until 05/21/10.

FINDINGS

The subject Off-Premise Sign is located within an R-4 (High Density Residential) district. There is no adverse impact regarding the continued use of the billboard, as there have been no significant changes in development or land use in the surrounding area. Also, the Off-Premise Sign and support structure are in good condition, and the applicant has obtained a final building inspection; therefore, staff is recommending approval, subject to a three-year review.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

56 by City Clerk

APPROVALS

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PROTESTS

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